

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
SHERMAN DIVISION

GALE C. HUTCHINSON

§

VS.

§

CIVIL ACTION NO. 4:10cv240

TERRY BOX,  
SHERIFF OF COLLIN COUNTY, ET AL.

§

ORDER ADOPTING REPORT AND RECOMMENDATION

The above-entitled and numbered civil action was heretofore referred to United States Magistrate Judge Don D. Bush, who issued a Report and Recommendation concluding that this action should be dismissed for failure to obey an order and failure to prosecute pursuant to Fed. R. Civ. P. 41(b) and Rule 41, Local Rules for the Eastern District of Texas. Specifically, Plaintiff has requested and been granted multiple extensions of time in which to pay his initial partial filing fee in this case. He has failed to do so and has not shown cause why he cannot pay. He filed objections stating without support or any evidentiary basis that his son told him his filing fee was paid and that he had been on suicide watch between July and October 2010. Notwithstanding his claim of being on a suicide watch, he continued filing numerous briefs during that time from motions to appeals to objections of different nature. In his objections, he asks the Court to “investigate this matter and investigate the payment,” apparently referring to his son. The Court will not investigate matters that fall within the control of a party; that is for Plaintiff to do and to document.

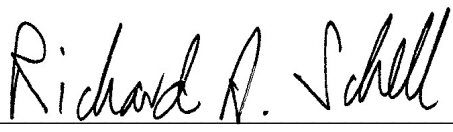
Having conducted a *de novo* review of Plaintiff’s objections, the Court finds them without merit and that the findings and conclusions of the Magistrate Judge are correct. The findings and

conclusions of the Magistrate Judge are therefore adopted as those of the Court. In light of the foregoing, it is

**ORDERED** that this matter is **DISMISSED** without prejudice pursuant to Fed. R. Civ. P. 41(b) and Rule 41, Local Rules for the Eastern District of Texas. It is further

**ORDERED** that all motions not previously ruled on are **DENIED**.

**SIGNED this the 29th day of September, 2011.**

  
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RICHARD A. SCHELL  
UNITED STATES DISTRICT JUDGE